

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Stephanie R. Moody,)	
)	
Plaintiff,)	Civil Action No. 6:06-3256-RBH-WMC
)	
vs.)	<u>REPORT OF MAGISTRATE JUDGE</u>
)	
Michael Astrue,)	
Commissioner of Social Security,)	
)	
Defendant.)	
)	

The plaintiff, through her attorney, Michael C. Tanner, filed this action on November 20, 2006. Pursuant to Federal Rule of Civil Procedure 4(m), service of the summons and complaint must be made within 120 days of the date the complaint is filed (in this case, March 23, 2007).

When no proof of service was filed, the plaintiff, by order of this court filed May 11, 2007, was reminded of this deadline and given through May 31, 2007, in which to properly effect service in this case. When nothing was filed by that date, the court attempted to contact Mr. Tanner by telephone, leaving messages on June 5 and 7, 2007. When Mr. Tanner failed to contact the court regarding service, a second order was filed on June 12, 2007, giving the plaintiff through July 5, 2007, to file proof of service. This deadline also passed with no word from Mr. Tanner. Not wishing to penalize the plaintiff, the court attempted to contact Mr. Tanner by telephone on July 11, 2007, again unsuccessfully.

Based on the foregoing, the court regretfully recommends that this case be dismissed for lack of prosecution.

s/William M. Catoe
United States Magistrate Judge

July 13, 2007
Greenville, South Carolina